

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

CARL SCAGGS and)
NELLIE SCAGGS,)
Plaintiffs,)
vs.) Case No. 4:08-CV-01163 ERW
3M COMPANY, AS SUCCESSOR BY)
MERGER TO MINNESOTA MINING)
& MANUFACTURING COMPANY)
AND/OR ITS PREDECESSORS/)
SUCCESSORS IN INTERST)
MINE SAFETY APPLIANCES)
Defendants.) JURY TRIAL DEMANDED

MOTION FOR LEAVE TO VOLUNTARILY DISMISS

Comes now, Plaintiffs in the above styled case and files this motion to leave to voluntarily dismiss.

I.

This case was resolved by settlement. Plaintiffs, Carl and Nellie Scaggs, respectfully request this matter be dismissed with prejudice with all costs to be allocated to each party bearing the same.

Respectfully submitted,

MALONEY★MARTIN, LLP

/s/ Mike Martin
Mike Martin
Federal #5200604
TX #13094400
The Clocktower Building
3401 Allen Parkway, Suite 100
Houston, Texas 77019

Telephone: (713) 759-1600
Facsimile: (713) 759-6930
E-Mail: mmartin@maloneymartinllp.com

Zane Cagle
MO #53775, Fed. #499604
Metropolitan Square
211 North Broadway, Suite 2420
St. Louis, MO 63102
T: (314) 241-1700
F: (866)387-8590
E-Mail: zane@pagecagle.com

ATTORNEYS FOR PLAINTIFFS

CERTIFICATE OF SERVICE

Pursuant to Rule 5 of the Federal Rules of Civil Procedure, I hereby certify that a true and correct copy of the foregoing document has been provided to all counsel of record and/or attorneys-in-charge via Certified Mail, Return Receipt Requested, and/or via facsimile, and/or via hand delivery, and/or via U.S. Mail on this the 20th day of December, 2010.

/s/ Mike Martin
MIKE MARTIN